

1 A bill to be entitled
 2 An act relating to organic material products; amending
 3 s. 823.14, F.S.; revising and providing definitions;
 4 prohibiting local governments from adopting any
 5 ordinance, regulation, rule, or policy to prohibit,
 6 restrict, regulate, or otherwise limit the collection,
 7 storage, processing, or distribution of organic
 8 material products; providing that such activities are
 9 a bona fide farm operation and lands associated with
 10 such activities are agricultural; providing an
 11 effective date.

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 13 Be It Enacted by the Legislature of the State of Florida:
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15 Section 1. Paragraphs (c), (d), and (e) of subsection (3)
 16 and subsection (6) of section 823.14, Florida Statutes, are
 17 amended, and paragraph (g) is added to subsection (3) of that
 18 section, to read:

19 823.14 Florida Right to Farm Act.—

20 (3) DEFINITIONS.—As used in this section:

21 (c) "Farm" means the land, buildings, support facilities,
 22 machinery, and other appurtenances used in the production of
 23 farm, organic material, or aquaculture products.

24 (d) "Farm operation" means all conditions or activities by
 25 the owner, lessee, agent, independent contractor, or supplier

26 | which occur on a farm in connection with the production of farm,
 27 | honeybee, or apiculture products or in connection with
 28 | complementary agritourism activities, or the collection,
 29 | storage, processing, and distribution of organic material
 30 | products. These conditions and activities include, but are not
 31 | limited to, the marketing of farm products at roadside stands or
 32 | farm markets; the operation of machinery and irrigation pumps;
 33 | the generation of noise, odors, dust, fumes, and particle
 34 | emissions; ground or aerial seeding and spraying; the placement
 35 | and operation of an apiary; the application of chemical
 36 | fertilizers, conditioners, insecticides, pesticides, and
 37 | herbicides; agritourism activities; and the employment and use
 38 | of labor.

39 | (e) "Farm product" means any plant, as defined in s.
 40 | 581.011, organic material, or animal or insect useful to humans
 41 | and includes, but is not limited to, any product derived
 42 | therefrom.

43 | (g) "Organic material" means vegetative matter resulting
 44 | from landscaping maintenance or land clearing operations and
 45 | includes materials such as tree and shrub trimmings, grass
 46 | clippings, palm fronds, trees and tree stumps, and associated
 47 | rocks and soils, and may also include clean wood.

48 | (6) LIMITATION ON DUPLICATION OF GOVERNMENT REGULATION.—It
 49 | is the intent of the Legislature to eliminate duplication of
 50 | regulatory authority over farm operations as expressed in this

51 subsection.

52 (a) Except as otherwise provided for in this section and
 53 s. 487.051(2), and notwithstanding any other provision of law, a
 54 local government may not adopt any ordinance, regulation, rule,
 55 or policy to prohibit, restrict, regulate, or otherwise limit an
 56 activity of a bona fide farm operation on land classified as
 57 agricultural land pursuant to s. 193.461, where such activity is
 58 regulated through implemented best management practices or
 59 interim measures developed by the Department of Environmental
 60 Protection, the Department of Agriculture and Consumer Services,
 61 or water management districts and adopted under chapter 120 as
 62 part of a statewide or regional program.

63 (b) Except as otherwise provided in this section, and
 64 notwithstanding any other provision of law, a local government
 65 may not adopt any ordinance, regulation, rule, or policy to
 66 prohibit, restrict, regulate, or otherwise limit the collection,
 67 storage, processing, or distribution of organic material
 68 products. For purposes of this section, the collection, storage,
 69 processing, or distribution of organic material products are
 70 deemed a bona fide farm operation and the lands associated with
 71 the operation are deemed agricultural.

72 (c) When an activity of a farm operation takes place
 73 within a wellfield protection area as defined in any wellfield
 74 protection ordinance adopted by a local government, and the
 75 adopted best management practice or interim measure does not

HB 1361

2023

76 specifically address wellfield protection, a local government
77 may regulate that activity pursuant to such ordinance. This
78 subsection does not limit the powers and duties provided for in
79 s. 373.4592 or limit the powers and duties of any local
80 government to address an emergency as provided for in chapter
81 252.

82 Section 2. This act shall take effect July 1, 2023.